

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 6120 of 2007(C)

PETITIONER:

NAVA BHARAT METAL INDUSTRIES,
EDAPPALLY, KOCHI-682 024, REPRESENTED BY
ITS PROPRIETOR, K.M.UMMER.

BY ADV. SMT.T.D.RAJALAKSHMI
SRI.E.R.VENKATESWARAN

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVANAM, PATTOM PALACE POST,
THIRUVANANTHAPURAM-695 004, REPRESENTED BY
THE SECRETARY.
2. THE DEPUTY CHIEF ENGINEER (GENERATION),
K.S.E.BOARD, VYDYUTHI BHAVAN,
THRISSUR.
3. THE DEPUTY CHIEF ENGINEER,
TECHNICAL CELL, K.S.E.BOARD, VYDYUTHI BHAVANAM,
THIRUVANANTHAPURAM.
4. THE CHIEF ENGINEER (GENERATION),
KSE BOARD, MOOLAMATTOM.
5. THE EXECUTIVE ENGINEER,
GENERATION DIVISION, K.S.E.BOARD,
PERINGALKUTH.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE LETTER SENT BY THE PETITIONER TO THE 2ND RESPONDENT DATED 15.9.1995

EXT.P2 PHOTO COPY OF THE REPRESENTATION MADE BEFORE THE FIRST RESPONDENT DATED 25.11.1996

EXT.P3 PHOTOCOPY OF THE LETTER DATED 16.10.2000 SENT BY THE CHIEF ENGINEER (O & M) HYDRO, MOOLAMATTOM TO THE THIRD RESPONDENT.

EXT.P4 PHOTOCOPY OF THE LETTER DATED 4.11.2005 SENT TO THE FOURTH RESPONDENT.

EXT.P5 PHOTOCOPY OF THE LETTER SENT BY THE 4TH RESPONDENT DATED 7.12.2005

EXT.P6 PHOTOCOPY OF THE REPRESENTATION DATED 26.12.2006 SUBMITTED TO THE HON.MINISTER FOR ELECTRICITY.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 6120 OF 2007

Dated this the 24th day of May, 2007

JUDGMENT

Heard counsel for the petitioner and standing counsel for KSEB. The prayer is for a direction to the Kerala State Electricity Board to release payment of Rs. 2,64,000/- for the repair works stated to have been carried out by the petitioner during 1993-94 in the Sholayar Power House of the KSEB. In the counter affidavit, the Board has stated that petitioner was not given any such work and no amount is due to the petitioner. Even though counsel for the petitioner has narrated various events and dealings with KSEB, which are denied by KSEB, it is conceded that there is no record pertaining to the same. Neither work order was issued to the petitioner, nor bill was raised by the petitioner after alleged completion of work. Even though normal procedure is not required to be followed in the case of emergency, there should be some written order awarding work to the petitioner and bill raised for the same, without which no payment could be made from a

Government organisation like KSEB. In the absence of any document to show award of work to the petitioner and execution of the same by the petitioner, this Court cannot order any payment to the petitioner. In the circumstances, W.P. is closed. However, if petitioner so desires, he is free to approach the civil court and establish his case through documents or otherwise.

(C.N.RAMACHANDRAN NAIR)
Judge

